IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1718 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/09/2004 in WP NO : 17400 OF 2004 on the file of the High Court.)

Between:

B.Kiran Shri, S/o B. John,
C/o Gnyaiah, H.No. 23/839, Rameshreddy Nagar, Nellore District.

..... APPELLANT

AND

1 The Deputy Registrar of Co-op Societies, R.R. Street,
Nellore - 1.
2 The Manager, District Government Text Book Sales
Office, Near RTC Bus Stand, Nellore, Nellore District.
3 The Nellore Aided Schools Employees & Teachers
Cooperative Credit Society Ltd,
Rep. by its Person-in-Charge, H.No. 23/838,
Rameshreddy Nagar, Nellore - 3.

.....RESPONDENTS

Counsel for the Appellant : MR. P. VENUGOPAL FOR MR. CH. SATISH KUMAR

Counsel for the Respondent Nos. 1 and 2.: GP FOR COOPERATION.

Counsel for the respondent No.3: None appeared.

The Court made the following :

ORAL JUDGMENT:

(per Hon'ble The Chief Justice)

....

1. Writ petition of the appellant was dismissed on the ground that petitioner has got statutory, alternative and efficacious remedy available to challenge the order, which was impugned in the writ petition, by preferring appeal under Section 76 of A.P. Co-operative Societies Act. All grounds raised in the writ petition can always be urged by the appellant before the Appellate Authority.

2. Submission of the learned counsel for the appellant that the order is wholly without jurisdiction inasmuch as there has been any adjudication of the case

of the appellant is misconceived inasmuch as the order which is envisaged under Section 73 of A.P. Co-operative Societies Act, 1964, is akin to the order which can be passed by the Civil Court under Order 38 Rule 5 C.P.C. We do not find any lack of jurisdiction.

3. Writ appeal fails and is dismissed. No costs.

_____

DEVINDER GUPTA. C.J.,

_____

C.V. RAMULU. J.,

Dated: 04.11.2004.

VRK.

To

1 The Deputy Registrar of Co-op Societies, R.R. Street, Nellore - 1.
2 The Manager, District Government Text Book Sales Office, Near RTC Bus Stand, Nellore, Nellore District.
3 The Person-in-Charge,Nellore Aided Schools Employees & Teachers
Cooperative Credit Society Ltd, H.No. 23/838, Rameshreddy Nagar, Nellore - 3.

4.Two CCs to G.P., for Cooperation, High Court Buildings, Hyderabad (OUT).

5.Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE C.V. RAMULU.

W.A.NO. 1718 OF 2004.

(Judgment of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 04.11.2004.